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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/482,691	01/13/00	POLICICCHIO	N 6553D

IM52/0430
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EXAMINER	
SPISICH,M	
ART UNIT	PAPER NUMBER
1744	11

DATE MAILED: 04/30/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/482,691	Policicchio et al
Examiner	**Art Unit**
Mark Spisich	1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *26 Mar 2001* .

2a) ☒ This action is **FINAL.** 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *21-23, 25-27, 29, 32-34, and 61-67* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *21-23, 25-27, 29, 32-34, and 61-67* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)
16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
18) ☐ Interview Summary (PTO-413) Paper No(s). _____
19) ☐ Notice of Informal Patent Application (PTO-152)
20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 27,29 and 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Statler (USP 2,824,791). The lower surface of the pad (which is comprised of attachment layer (14), absorbent layer (17) and scrubbing layer (18)) is comprised of a bottom and two flanking side surfaces. The plastic handle (10) of Statler would be capable of being removed from the attachment layer (14) of Statler and the mere recitation of "removable" fails to define over the structure of Statler.

3. Claims 27,29 and 33 are rejected under 35 U.S.C. 102(a) as being anticipated by Brown, Jr. (USP 5,533,226). The patent to Brown discloses a cleaning implement comprising a handle (66) and a removable cleaning pad having an upper and a lower surface having multiple widths in the "z-direction" (see figure 6) and wherein the pad comprises a scrubbing layer (50) (see column 3, lines 18-25), absorbent layer (20c) and wherein the lower surface of the pad comprises three discrete surfaces (42,44,46) each of which are adapted to contact the surface being cleaned. The core member (52) reads on the attachment layer as defined in claim 27.

4. Claims 27,29 and 32-34 are rejected under 35 U.S.C. 102(a) as being anticipated by Nichols (USP 5,609,255). Any object has any number of "surfaces". The claims do not define the shape or configuration of these "discrete surfaces" (i.e. where on starts and the other one ends). In a manner which defines over the pad of Nichols.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 21-23,25,26 and 61-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols (USP 5,609,255) in view of Newell (USP 4,995,133). The patent to Nichols discloses a cleaning implement (10) comprising a handle (12) and a removable cleaning pad (28) having opposite upper and lower surfaces and multiple widths in the "z-direction" and wherein the cleaning pad is comprised of an absorbent layer (32,34), scrubbing layer (36) and an impervious attachment layer (38). The patent to Nichols discloses the invention substantially as claimed with the exception of the absorbent layer comprising a superabsorbent material. The patent to Newell discloses a cleaning device having similar utility wherein the absorbent elements thereof may be comprised of any fibrous material such as rayon, cotton and polyester (see column 11, lines 24-34) which may further have incorporated therein any suitable type of super-absorbents, hydrogels which are commercially available (see column 12, lines 1-16). It would have been obvious to one

of ordinary skill to have modified the absorbent layer of Nichols as such so, if so desired, to produce a single-use mop application. The particular ratios between the fibrous material and the desired properties could be matched to the intended use. Again, Newell states that *any known* superabsorbent can be used. The specification of the present invention discloses what appears to be a similar embodiment. It would have not been unreasonable for one to assume that the material of Newell would have similar properties as that claimed given the fact that the composition is very nearly (if not the same) as one of the embodiments of the present invention. On of ordinary skill would deem it obvious to have modified the relative proportion of the cotton relative to the superabsorbent to arrive at the desired properties. Optimizing a prior art device through routine experimentation is not a patentable step.

Response to Arguments

7. Applicant's arguments filed 26 March 2001 have been fully considered but they are not persuasive. Applicant's comments will be addressed in the order they appear in the "REMARKS". With regard to Statler (USP 2,842,791), an eraser is a cleaning implement and that the handle (10) could be removed from the attachment layer (14) if so desired and the mere inclusion of "removable" fails to define over Statler. With regard to Brown,Jr. (USP 5,533,226), the core member (52) also reads on the "attachment layer". With regard to Nichols (USP 5,609,255), this patent discloses an infinite number of "discrete surfaces". The claim language does not require that they either be planar or adjacent each other. The remaining issue pertains to the superabsorbent material. Nichols does discloses a cleaning pad which is reusable.

Newell; however, discloses an absorbent mop material which is made of a fibrous material and which may also be reusable or may be modified with a superabsorbent material (column 12, lines 1-16) for use in single-use applications. Newell is believed to provide sufficient motivation for modifying the absorbent material of Nichols in that Newell discloses that one of ordinary skill is perfectly aware that a mopping material may go from reusable to single-use merely by the addition of or omission of the superabsorbent material. The pad of Nichols, after being modified by Newell, would still clean a surface in the same manner as before its modification and would thus not alter its mode of operation. Applicant's comments with regard to Newell (that it does not also have a scrubbing layer, attachment layer, etc.) alone are also noted but are moot in that this reference is relied on as a secondary reference and was not applied as "102".

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Spisich whose telephone number is (703) 308-1271.

MARK SPISICH
PRIMARY EXAMINER
GROUP ~~3400~~ 1700

Mark Spisich

April 26, 2001